

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X
JUAN B. PEREZ, JR.,

Plaintiff,

CIVIL ACTION NO.:

vs.

FRANK R. CANAPINO, USA TRUCK, INC. and
ABC CORP 1-5 and JOHN DOES 1-5, said names
being fictitious and unknown,

NOTICE OF REMOVAL

Defendants.
-----X

TO: George F. Hendricks, Esq.
Hendricks & Hendricks
73 Paterson Street
New Brunswick, NJ 08901

PLEASE TAKE NOTICE, that on this date, defendants USA TRUCK, Inc. and FRANK CANAPINO by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

1. Plaintiff JUAN B. PEREZ, JR. brought a lawsuit against the defendants USA TRUCK, Inc. and FRANK CANAPINO (and fictitious named defendants) by filing a Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Middlesex County on or about January 24, 2019 as a result of an alleged accident which occurred on or about January 26, 2017. A copy of the Complaint is annexed hereto as Ex A.

2. Upon information and belief, the Summons and Complaint were not received by USA TRUCK, Inc. and FRANK CANAPINO to date.

3. There have been no other proceedings in this action.

4. According to the plaintiff's complaint (Ex. A), the plaintiff purports to be a citizen and resident of the State of New Jersey, residing in the Township of Old Bridge and County of Middlesex.

5. Defendant USA TRUCK, Inc. is a corporation incorporated in the State of Arkansas.

6. Defendant FRANK CANAPINO is a resident of the State of Rhode Island, residing in the City of Woonsocket.

7. In the First Count, 3rd and 4th paragraphs; the Second Count, 3rd paragraph; and the Third Count, 3rd paragraph of the plaintiff's Complaint, plaintiff JUAN B. PEREZ, JR. was allegedly traumatized by the subject accident, requiring him to seek psychiatric treatment for severe traumatic stress and anxiety and will in the future continue to suffer such mental anxiety and was compelled to expend large sums of money in an endeavor to cure his condition. Ex. A.

8. On January 31, 2019, on behalf of defendants USA TRUCK, Inc. and FRANK CANAPINO, our office served a request for a written Statement of Damages claimed on the plaintiff's counsel. Ex. B.

9. Under cover dated February 28, 2019, and as served on March 1, 2019, the plaintiff responded to the demand for Statement of Damages indicating damages in the amount of \$150,000 Ex. C.

10. Based upon the plaintiff's response to the defendants' request for a written Statement of Damages claimed and the language set forth in the plaintiff's Complaint, the matter in controversy exceeds \$75,000, exclusive of interest and costs. *Please see* Ex. C.

11. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

12. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

13. As the defendants have not been served with the suit papers, this Notice is filed with this Court within 30 days of defendants' receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County Courthouse, 56 Paterson St, New Brunswick, NJ 08903, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: March 13, 2019

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
USA TRUCK, Inc. and FRANK CANAPINO
124 First Avenue
Atlantic Highlands, New Jersey 07716

BY:



LORNE M. REITER

EX. A

GEORGE F. HENDRICKS, ESQ.
Attorney ID#246271968
HENDRICKS & HENDRICKS
73 Paterson Street
New Brunswick, New Jersey 08901
(732) 828-7800
Attorney for Plaintiff

JUAN B. PEREZ, JR.,

Plaintiff,

vs.

**FRANK R. CANAPINO, USA TRUCK,
INC., and ABC CORP 1-5 AND JOHN
DOES 1-5, said names being fictitious and
unknown,**

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY
CIVIL ACTION

DOCKET NO.: MID-L-

**COMPLAINT
AND
JURY DEMAND**

Plaintiff, JUAN B. PEREZ, JR., residing 16 Kearney Avenue, in the Township of Old Bridge, County of Middlesex, and State of New Jersey, complaining of defendant(s), says:

FIRST COUNT

1. On or about January 26, 2017, the plaintiff was the owner of a motor vehicle that was parked on his residence at 16 Kearney Avenue, in the Township of Old Bridge, County of Middlesex, and State of New Jersey.

2. At the aforesaid time and place, the defendant, FRANK R. CANAPINO, was the operator of a tractor trailer truck owned by defendant, USA TRUCK, INC., which vehicle/tractor trailer was traveling North on Kearney Avenue, in the Township of Old Bridge, County of Middlesex, and State of New Jersey.

3. The defendant, FRANK R. CANAPINO, carelessly and negligently operated said vehicle, failed to navigate a right turn, thereby striking plaintiff's vehicle that was legally parked on said property, trees, shrubbery and the house where plaintiff was residing, thereby directly

causing the accident giving rise to this action, which resulted in the plaintiff to be traumatized by the event, requiring him to seek psychiatric medical treatment for severe traumatic stress and anxiety.

4. As a result of the aforesaid carelessness and negligence of the defendant, FRANK R. CANAPINO, the plaintiff was traumatized by the event requiring him to seek psychiatric medical treatment for severe traumatic stress and anxiety, he suffered great stress and anxiety, and will in the future continue to suffer such mental anxiety, he was compelled to expend large sums of money in an endeavor to cure his condition.

WHEREFORE, plaintiff demands judgment against the defendant, FRANK R. CANAPINO, for damages, together with interest and costs of suit.

SECOND COUNT

1. Plaintiff, JUAN B. PEREZ, JR., repeats the allegations of the First Count and makes it a part hereof as though set forth at length herein.

2. The defendant, USA TRUCK, INC, was the owner of the vehicle being operated by defendant, FRANK R. CANAPINO, and he negligently entrusted the operation of said vehicle to him as his agent, servant and/or employee.

3. As a result of the aforesaid carelessness and negligence of the defendant, USA TRUCK, INC., the plaintiff was traumatized by the event requiring him to seek psychiatric medical treatment for severe traumatic stress and anxiety, he suffered great stress and anxiety, and will in the future continue to suffer such mental anxiety, he was compelled to expend large sums of money in an endeavor to cure his condition.

WHEREFORE, plaintiff demands judgment against the defendants, USA TRUCK, INC. and FRANK R. CANAPINO, on this Count for damages, together with interest and costs of suit.

THIRD COUNT

1. Plaintiff, JUAN B. PEREZ, JR., repeats and re-alleges each and every allegation contained in the First and Second Counts of the within Complaint as if fully set forth herein.

2. The Defendant, ABC Corp 1-5 and JOHN DOES 1-5 (said names being unknown and fictitious), was the owner of the vehicle being operated by defendant, FRANK R. CANAPINO, and he negligently entrusted the operation of said vehicle to him as his agent, servant and/or employee.

3. As a result of the aforesaid carelessness and negligence of the defendant, ABC Corp 1-5 and JOHN DOES 1-5 (said names being unknown and fictitious), the plaintiff was traumatized by the event requiring him to seek psychiatric medical treatment for severe traumatic stress and anxiety, he suffered great stress and anxiety, and will in the future continue to suffer such mental anxiety, he was compelled to expend large sums of money in an endeavor to cure his condition.

WHEREFORE, plaintiff demands judgment against the defendants, USA TRUCK, INC. and FRANK R. CANAPINO, on this Count for damages, together with interest and costs of suit.

FOURTH COUNT

1. Plaintiff, JUAN B. PEREZ, JR., repeats the allegations of the First, Second, and Third Counts and makes it a part hereof as though set forth at length herein.

2. At the time and place aforesaid, defendants, FRANK R. CANAPINO and USA TRUCK, INC., in a careless, reckless, and negligent manner, caused its tractor trailer/ motor vehicle to collide with the vehicle owned by plaintiff that was legally parked on the subject premises, as well as, resulting in property damage to the residence at 16 Kearney Drive, Old Bridge, New Jersey, including trees and shrubbery.

3. As a result of the negligence of the defendants, the motor vehicle owned by plaintiff was severely damaged, required extensive repairs, depreciated in value and the plaintiff lost the use of said vehicle, as well as, property damages to plaintiff's residence.

WHEREFORE, Plaintiff demands judgment against the defendants, FRANK R. CANAPINO and USA TRUCK, INC., on this Count for damages, together with interest and costs of suit.

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that to the best of my knowledge, information and belief, our investigation and investigation on behalf of our client(s) has disclosed no other action pending concerning the subject matter of this Complaint in any Court or Arbitration proceeding nor has it disclosed any other persons who should be added as parties to this matter and that no personal confidential identifiers as to any of the named parties are contained herein. In addition, as of this date, there are no actions contemplated which relate to this matter. If additional and continuing investigation reveals contrary facts, notice will immediately be given.

JURY DEMAND

The Plaintiff hereby demands a trial by jury as to all issues herein.

HENDRICKS & HENDRICKS
Attorney for Plaintiff

BY: 
GEORGE F. HENDRICKS, ESQ.

Dated: January 23, 2019

EX. B

LAW OFFICES OF LORNE M. REITER, LLC
124 FIRST AVENUE
ATLANTIC HIGHLANDS, NEW JERSEY 07716

TEL. (732) 747-9555
FAX (732) 626-6800

LORNE M. REITER *

LAURA C. JOHNSON +
VANESSA L. KOPPEL ^
KAREN K. HAHN ^
SHARON B. MORELAND #

* ADMITTED NEW YORK & NEW JERSEY
+ ADMITTED NEW JERSEY & COLORADO
^ ADMITTED NEW JERSEY
ADMITTED NEW YORK, NEW JERSEY &
MASSACHUSETTS

NEW YORK OFFICE

14 WALL STREET, 20TH FLOOR
NEW YORK, NY 10005
(212) 222-0955
(212) 202-4784 FAX

lreiter@lreiterlaw.com

January 31, 2019

patricia@hednrickslaw.com

George F. Hendricks, Esq.
HENDRICKS & HENDRICKS
73 Paterson Street
New Brunswick, NJ 08901

Re: Juan Perez, Jr. v. USA Truck and Frank R. Canapino
Our File Number: 002-0672-JBJ
Date of Loss: January 26, 2017

Dear Mr. Hendricks:

Our office has been assigned to represent the defendants USA Truck, Inc. and Frank R. Canapino with respect to the above-captioned matter.

We hereby demand that plaintiff serve upon us, within five (5) days from the date of service hereof, a written Statement of Damages claimed, pursuant to Rule 4:5-2.

Should you have any questions in this regard, please do not hesitate to contact the undersigned.

Very truly yours,



LORNE M. REITER

LMR:lms

EX. C

GEORGE F. HENDRICKS, ESQ.
Attorney ID#246271968
HENDRICKS & HENDRICKS
73 Paterson Street
New Brunswick, New Jersey 08901
(732) 828-7800
Attorney for Plaintiff

JUAN B. PEREZ, JR.,

Plaintiff,

vs.

**FRANK R. CANAPINO, USA TRUCK,
INC., and ABC CORP 1-5 AND JOHN
DOES 1-5, said names being fictitious and
unknown,**

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY
CIVIL ACTION

DOCKET NO.: MID-L- 830-19

STATEMENT OF DAMAGES

TO: Lorne M. Reiter, Esq.
Law Offices of Lorne M. Reiter
124 First Avenue
Atlantic Highlands, NJ 07716
Attorney for Defendants, *Canapino, USA TRUCK*

Plaintiff, JUAN B. PEREZ, JR., hereby asserts damages in the amount of \$150,000.00
relative to the captioned action.

HENDRICKS & HENDRICKS
Attorney for Plaintiff

BY:

GEORGE F. HENDRICKS, ESQ.

DATED: February 28, 2019

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X
JUAN B. PEREZ, JR.,

Plaintiff,

CIVIL ACTION #:

vs.

FRANK R. CANAPINO, USA TRUCK, INC. and
ABC CORP 1-5 and JOHN DOES 1-5, said names
being fictitious and unknown,

CERTIFICATION OF SERVICE

Defendants.
-----X

LORNE M. REITER, ESQ. certifies as follows:

1. I am an attorney duly admitted to practice before this Honorable Court, and I hereby affirm the truth of the following statements under the penalty of perjury.

2. I am a member with the law firm of LAW OFFICES OF LORNE M. REITER, LLC, attorneys for the defendants USA TRUCK and FRANK CANAPINO and, as such, I am fully familiar with the facts set forth herein.

3. On this date, I served a copy of the within Notice of Removal upon the plaintiff in this action by mailing same via First Class Mail from 124 First Avenue, Atlantic Highlands, New Jersey 07716 addressed to the plaintiff's attorney, George F. Hendricks, Esq., Hendricks & Hendricks, 73 Paterson Street, New Brunswick, NJ 08901.

4. Further, on this date, I caused a copy of the Notice of Removal to be filed with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County, 56 Paterson St, New Brunswick, NJ 08903.

5. Pursuant to 28 U.S.C. §1746, I affirm under penalty of perjury that the foregoing is true and correct.

Dated: March 13, 2019

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
USA TRUCK, Inc. and FRANK CANAPINO
124 First Avenue
Atlantic Highlands, New Jersey 07716

BY:



LORNE M. REITER